



STATE OF MAINE
COMMISSION ON GOVERNMENTAL ETHICS
AND ELECTION PRACTICES
135 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0135

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September 9th, 1998

Minutes of the September 9th, 1998, meeting of the Commission on Governmental Ethics and Election Practices held in Room 315, State Office Building, Augusta, Maine.

Present: Chairman Peter B. Webster; Members Linda W. Cronkhite, Harriet P. Henry, G. Calvin Mackenzie, and Merle R. Nelson; Director William C. Hain, III; Counsel Phyllis Gardiner; and Commission Assistant Melissa Caron.

Chairman Webster called the meeting to order at 9:12 a.m.

Mr. Mackenzie moved, Judge Henry seconded, and the Commission unanimously voted to approve the minutes of the August 12, 1998, meeting as submitted.

Agenda items were considered as follows:

Agenda Item #2: Maine Republican Party Late July 15 Semiannual Campaign Finance Report Filing.

Mr. P. James Nicholson, Treasurer, appeared on behalf of the Committee and acknowledged that the report, in fact, had been filed one (1) day late, but noted that it had been postmarked on the due date. He requested the Commission's consideration of the following mitigating factors: he manages a CPA practice in which mailings are normally determined by postmark date; a recent staff change resulted in a new person submitting this report based on routine office practice of postmarking on the due date; the new person delayed submission to ensure the accuracy of the report. Mr. Nicholson acknowledged understanding that the due date is met by receipt by the Commission staff, not postmark date and requested the Commission's consideration of the fact that the report was only one (1) day late. Mr. Mackenzie moved and Judge Henry seconded to assess a penalty of 50% (\$621.99) of the initial computation based on the Commission's first offense practice. After discussion, the motion unanimously passed.

Agenda Item #3: Ban Clearcutting (Mr. Jonathan Carter, Director) Request for Authority to Terminate Committee.

The Commission authorized the Staff to accept the affidavit submitted by Mr. Jonathan Carter, Director, Ban Clear-cutting, as the basis for authorizing termination of the Ban Clearcutting Political Action Committee as requested by Mr. Carter.

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Agenda Item #4A: Waldo County Democratic Committee Late July 15 Semiannual Campaign Finance Report Filing.

Mrs. Nelson questioned whether Staff routinely notifies committees as suggested by Treasurer Crowley's letter, to which Mr. Hain responded affirmatively, citing the statutory requirement for notification of State Committees and their responsibility to notify subordinate committees of the filing requirements. Thereafter, Mr. Mackenzie moved and Mrs. Cronkhite seconded to assess the full penalty of \$277.35 against the Committee as its second late filing violation during this biennium (first penalty waived due to ice storm). After discussion, the motion unanimously passed.

Agenda Item #4B: Aroostook County Democratic Committee Late July 15 Semiannual Campaign Finance Report Filing.

Judge Henry moved and Mr. Mackenzie seconded to assess a penalty of 50% (\$72.23) of the initial computation based on the Commission's first offense waiver practice. After discussion, the motion unanimously passed.

Agenda Item #5: Maine Clean Election Act Draft Rule.

The Commission engaged in detailed discussion of the draft dated September 9th, 1998 of the Commission's proposed revised procedural rules (Chapters 1 and 2) and proposed new rule to implement the Maine Clean Election Act (Chapter 3). The results of those discussions and the decisions made pursuant thereto have been incorporated into the final draft. The final draft reflects deletions (noted by strikethrough) and additions (noted by underlining) made to the draft dated June 15th, 1998, incorporating recommendations made during public hearings and written comments submitted to the Commission and subsequently approved for incorporation by the Commission. After discussion of the recommended revisions to Chapter 1, Judge Henry moved and Mr. Mackenzie seconded to adopt Chapter 1. The motion passed without objection. After discussion of the recommended revisions to Chapter 2, Mrs. Cronkhite moved and Mr. Mackenzie seconded to adopt Chapter 2. The motion passed without objection. After discussion of the recommended revisions to Chapter 3, Mr. Mackenzie moved and Mrs. Nelson seconded to adopt Chapter 3. The motion passed without objection. Chairman Webster then directed that a document incorporating the approved revisions be prepared and submitted for his review and final approval on behalf of the Commission, after which Mr. Hain was directed to submit the full adoption package for publication to the Secretary of State's APA Office via the Attorney General in accordance with the provision of the Maine Administrative Procedure Act.

Agenda Item #6A: Status of Outstanding Penalties.

As an informational item, Mr. Hain referred Members to the lists of unpaid penalties that had been compiled for the benefit of the Commission and in response to media requests for that



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information. Members discussed payment of penalties, collection alternatives including assessment of interest on unpaid amounts, and the penalty assessment and collection process. Chairman Webster directed that time be included in the October meeting agenda to discuss the penalty assessment issue in more detail. Counsel Gardiner stated that the Attorney General's Office had been considering this issue and would present the Commission with a proposal as to how the assessments might be effectively pursued with the manpower limitations of the Office. Mr. Hain and Counsel Gardiner were directed to prepare a proposal for improving the success rate of collections of penalties that are assessed, including use of judicial process to improve compliance.

Agenda Item #6B: Grant Application for Funding of Electronic Filing System.

Chairman Webster briefed Members on the grant application to the Libra Foundation in support of the electronic filing project, suggesting that the requested amount be amended to "\$100,000 or such lesser sum as the Trustees may deem appropriate." The application is to be submitted for consideration by Libra Foundation Trustees in September or December, as determined by the Foundation's policy. Scheduled agenda items having been concluded, Counsel Gardiner informed Members that there was no new information to report regarding the Maine Campground Owners Association and Maine Civil Liberties Union's lawsuit challenging the amount of the lobbyist registration fees. Chairman Webster raised the scheduled date of the November meeting for discussion, noting that the second Wednesday in November, November 11, is a State (and National) holiday. After discussion, Members agreed to schedule November 9 as the date for the November monthly meeting, subject to then unknown personal scheduling conflicts. That date is to be confirmed at the October meeting.

Mr. Hain informed Members that the budget documents they had received would be supplemented by a written explanation of their contents under separate cover.

Mr. Hain also informed Members that he had been shown a location in the Public Utilities Commission Building at 242 State Street (about 500 yards from the State Office Building) by the State Director of Leased Space. That site is being considered as the temporary location for the Commission Staff when the State Office Building is vacated for rehabilitation during the next nine (9) months. Mr. Hain will discuss the relocation option/s with Ms. Sally Tubbesing, Executive Director of the Legislative Council, to determine whether the Legislature (among the Commission's primary customers) has any preference regarding the location (temporary and permanent thereafter) of the Commission Staff.

On motion and unanimous agreement, the Commission adjourned at 11:55 p.m.

Respectfully submitted,

William C. Hain, III
Executive Director

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